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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,429

10/28/2003

David Mathieu

AUC-32815-1

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EXAMINER

NGUYEN, PHONG H

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

11/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,429	Applicant(s) MATHIEU ET AL.	
	Examiner PHONG H. NGUYEN	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 30-32, 40-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 40 is objected to because of the following informalities: in line 1 of the last paragraph, the term "a blade-guard assembly" should be changed to --the blade-guard assembly-- since the term "a blade-guard assembly" is already introduced in the preamble of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 40-42 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the expression "with said blade guard being connected to said cutting blade" claim 40, it appears from the disclosure (Fig. 6) that the hub is a part of the blade guard and the blade is connected to the hub but not the blade guard. Therefore, the blade is connected to the blade guard through the hub. Claim 40 will be examined as best understood by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 40-42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthai et al. (5,702,415), hereinafter Matthai.

Regarding claim 40, Mathai teaches a blade-guard assembly for a rotary trimmer comprising:

a cutting blade 9 having a plurality of apertures (Fig. 3),

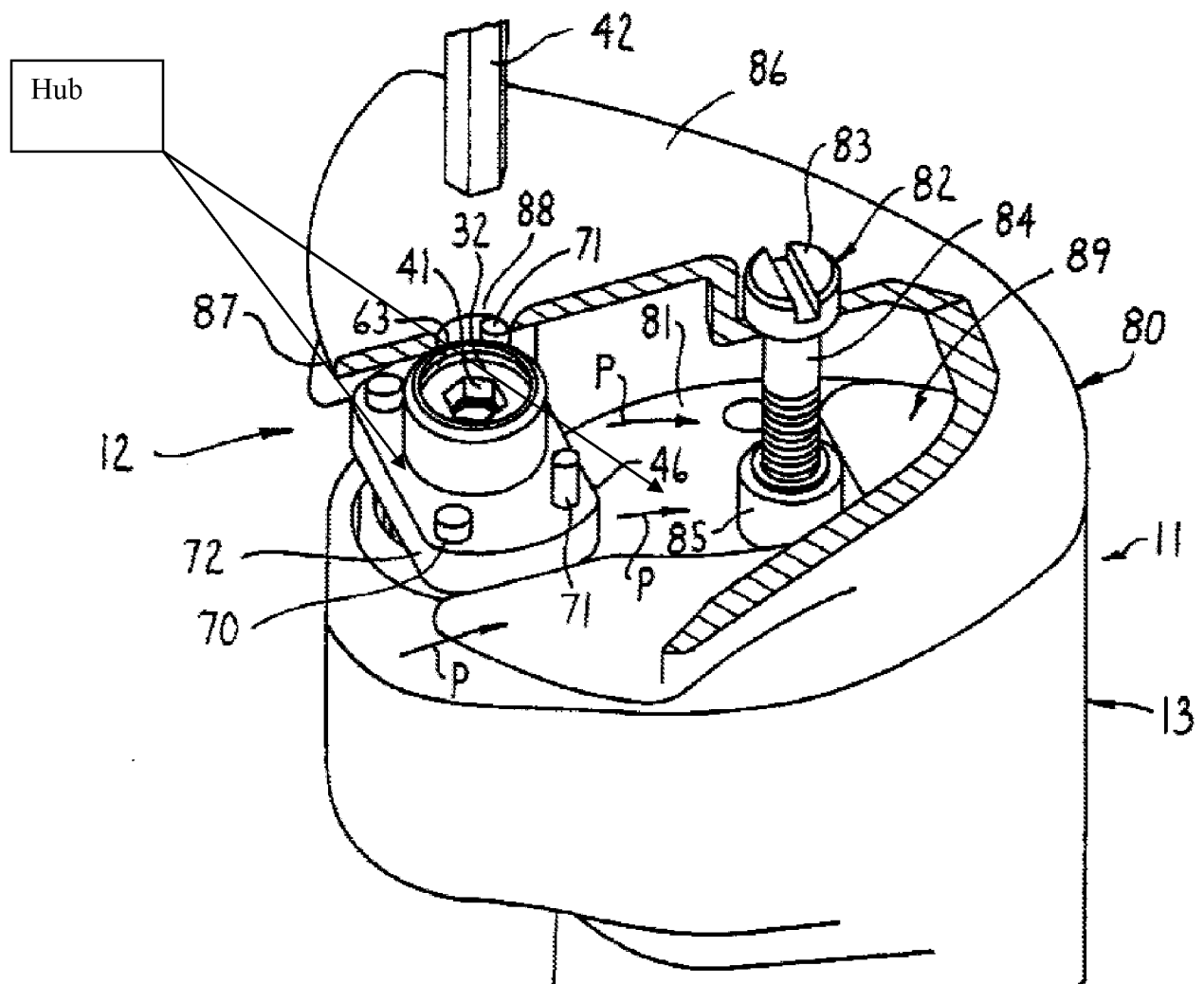
a hub (12, 81; Fig. 2) connected to the cutting blade via the plurality of apertures,

a blade guard 86 secured to the hub and forming a blade-guard assembly with the cutting blade 9, with the blade guard being connected to the cutting blade (through the hub), the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting, the blade-guard assembly being removable from, and placeable on, the rotary trimmer as a unit.

Regarding claims 41 and 42, a central aperture and a plurality of apertures are best seen in Fig. 1.

Regarding claim 44, see Fig. 2.

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6. Claims 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulz et al. (5,765,289), hereinafter Schulz.

Regarding claim 40, Schulz teaches a blade-guard assembly for a rotary trimmer comprising:

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a cutting blade 22 having a plurality of apertures (three small U-shaped apertures on the circumference of a big central aperture),

a hub 32 connected to the cutting blade via the plurality of apertures,

a blade guard 42 secured to the hub and forming a blade-guard assembly with the cutting blade 9, with the blade guard being connected to the cutting blade, the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting, the blade-guard assembly being removable from, and placeable on, the rotary trimmer as a unit.

See Figs. 5 and 9.

Regarding claims 41 and 42, a big central aperture and three small apertures of the cutting blade 22 are best seen in Fig. 5.

Response to Arguments

7. Applicant's arguments with respect to claims 40-42 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the Applicant's argument with respect to the expression "with said blade guard being connected to said cutting blade" claim 40. The disclosure (Fig. 6) teaches that the hub is a part of the blade guard and the blade is connected to the hub but not the blade guard. Therefore, the blade is connected to the blade guard through the hub. Mathai teaches the cutting blade being connected to the hub which is also a part of the blade guard. Therefore, Mathai teaches the blade being connected to the blade guard through the hub.

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Furthermore the arrangement of "with said blade guard being connected to said cutting blade" is well known in the art. Schulz teaches the cutting blade 22 being connected to the blade guard 42 in Fig. 9.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Examiner, Art Unit 3724
November 20, 2010